

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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OSCAR MORALES,

Plaintiff,

v.

HOLIDAY BY ATRIA SENIOR LIVING,

Defendant.

Case No. 3:24-CV-00136-MMD-CLB

**ORDER EXTENDING TIME TO FILE
AMENDED COMPLAINT**

On March 22, 2024, Plaintiff Oscar Morales (“Morales”) filed an application to proceed *in forma pauperis* (ECF No. 1), and his *pro se* civil rights complaint (ECF No. 1-1). On April 9, 2024, the Court granted the application to proceed in forma pauperis and dismissed the complaint without prejudice and with leave to amend. (ECF No. 4.) The Court ordered that, if Morales chooses to file an amended complaint curing the deficiencies of the original complaint, he must file the amended complaint within 30 days from the date of entry of the order or by May 9, 2024. The Court also cautioned Morales that if he chooses not to file an amended complaint curing the stated deficiencies, the Court will recommend dismissal of the action. While Morales submitted his notice of right to sue letter, (ECF No. 6), he did not file an amended complaint in compliance with the Court’s screening order, (ECF No. 4).

In light of Morales’s *pro se* status and for good cause appearing, the Court will *sua sponte* grant Morales a 30-day extension of time to file his amended complaint. Accordingly, Morales is granted leave to file an amended complaint to cure the deficiencies of the original complaint. If Morales chooses to file an amended complaint, he is advised that an amended complaint supersedes (replaces) the original complaint and, thus, the amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that “[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading

1 supersedes the original"). Any allegations, parties, or requests for relief from prior papers
2 that are not carried forward will no longer be before the court. Morales should clearly title
3 the amended pleading as "First Amended Complaint." For each claim, he must allege true
4 facts sufficient to show that the Defendant discriminated against him. Morales may not
5 amend the complaint to add unrelated claims against other defendants.

6 The Court notes that, if Morales chooses to file an amended complaint curing the
7 deficiencies, as outlined in this order, Morales must file the amended complaint within
8 30 days from the date of entry of this order. If Morales chooses not to file an amended
9 complaint curing the stated deficiencies, the Court will recommend dismissal of the
10 action.

11 Accordingly, **IT IS ORDERED** that the Court *sua sponte* extends time for Morales
12 to file his amended complaint.

13 **IT IS FURTHER ORDERED** that if Morales chooses to file an amended complaint
14 curing the deficiencies of his complaint, as outlined in the screening order, Morales shall
15 file the amended complaint by no later than **June 10, 2024**.

16 Morales is advised that the original complaint (ECF No. 1-1) no longer serves any
17 function in this case. As such, the amended complaint must be complete in and of itself
18 without reference to prior pleadings or document. The Court cannot refer to a prior
19 pleading or other documents to find Morales's amended complaint is complete.

20 **IT IS FURTHER ORDERED** that if Morales chooses not to file an amended
21 complaint curing the stated deficiencies, the Court will recommend dismissal of the
22 complaint.

23 **DATED:** May 10, 2024.

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25 **UNITED STATES MAGISTRATE JUDGE**
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